THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.12652 OF 1999

DATED: 12-04-2007

Between :

T. Sidda Reddy … Petitioner

And

1. The Mandal Revenue Officer, Tirupati Rural Mandal, Chittoor District., and another. … Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.12652 OF 1999

ORDER :

This writ petition is filed seeking a declaration that the alleged action of the 1st respondent – Mandal Revenue Officer in trying to evict the petitioner from the House Plot No.19 situated in Sy.No.1/2-A of Yogimallavaram Village, Tirupathi Rural Mandal, Chittoor District as arbitrary and illegal.

It is stated that the said plot No.19 was allotted to the petitioner by the A.P. Police Officers Association (for short, 'the Association'), Tirupathi Unit, Chittoor District. The said plot forms part of a large extent of the land classified as tank poramboke which was allotted to the Association on payment of the existing market value. Some of the members who were allotted the plots have already constructed houses. While the petitioner was taking steps to lay foundation for construction of house, the respondents 1 and 2 had interfered with his possession and asked him to vacate the premises. Hence this writ petition seeking a declaration that the said action of the respondents is arbitrary and illegal.

In response to Rule Nisi ordered, the Mandal Revenue Officer, Tirupathi Rural filed a counter-affidavit stating that though it is a fact that an extent of 4.46 acres situated in Sy.No.1-1 and 1-2 of Yogimallavaram Village was handed over to the Association, subsequently, one Chengalraya Chetty had filed a Civil Suit in the Court of the Principal Sub-Judge,

Tirupathi against the revenue authorities claiming title to the land in question. The said suit was decreed and against the said decree, the Collector, Chittoor filed A.S.No.102 of 1990 in the Court of V-Addl. District Judge, Tirupathi. Since the said Appeal was dismissed on 26-8-1997, a Second Appeal was preferred which is pending before this Court. The allegation of the petitioner that on 20-4-1999 the respondents had attempted to interfere with the possession of the petitioner is denied.

The petitioner did not choose to file any affidavit-in-reply nor any other material is placed before this Court contradicting the averments in the counter-affidavit.

Having regard to the version of the respondents in the counter-affidavit which shows that the alleged interference is incorrect, the Writ of Mandamus as prayed for cannot be granted

Accordingly, the Writ petition is dismissed. No costs.

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G. ROHINI, J.

Dt. 12-4-2007

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